REMARKS

This responds to the Office Action mailed on June 7, 2006.

Claims 1 and 19 are amended; as a result, claims 1-39 are now pending in this application.

Drawing Objections

The drawings were objected to under 37 C.F.R. 1.83(a) for not showing every feature of the invention specified in the claims. The claims have been amended in the manner requested by the Examiner; therefore, there is no need to correct the drawings and this rejection is no longer appropriate and should be withdrawn.

§112 Rejection of the Claims

Claims 19-26 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement. Applicants have amended claim 19 in the manner that the Examiner requested and removed the offending clauses. Thus, Applicants believe that this rejection is no longer appropriate and should be withdrawn. Moreover, this is being done at that suggestion of the Examiner. So, Applicants believe that entry of the amendments is appropriate and request that the Examiner indicate that this rejection has been resolved with the amendment for purposes of appeal if the Examiner issues an Advisory Action in response hereto.

Claims 1-18 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claim 1 is amended to clear up an ambiguity pointed out by the Examiner. This amendment is made for purposes of placing the application in condition for allowance or for purposes of appeal. Therefore, no additional search is required and it is made as to format and not substance; correspondingly, entry of this amendment is appropriate. Moreover, the amendment now makes clear that the payment facilitator executes a software program that is an automated process. Applicants believe that this is the correction the Examiner wanted to see and therefore request that this amendment be entered and that the Examiner indicate as much in any subsequent Advisory Action for purposes of appeal.

§103 Rejection of the Claims

Claims 1-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Publication No. 2002/0099649 A1) in view of Cook (U.S. 6,853,987) and Findley (U.S. 6,108,642). To sustain and obviousness rejection, each and every limitation of the rejected claims must be taught or suggested in the cited references.

Here, there is no payment facilitator that can both resolve fraud and interact with a financial institution to credit or debit accounts. This is an entirely different paradigm from the references cited or from what was available in the art prior to the date of Applicants' filing. The ability for a consumer to take credit card payments without having an account with a conventional financial institution did not exist prior to Applicants' invention. Applicants have provided payment and sale facilitators where consumers, merchants, and financial institutions all quickly and easily interact and communicate with one another to perform an online transaction. The references that the Examiner continues to cite deal with automated techniques for using conventional architectures and processes. Specifically, there is no payment facilitator that can both interact with financial institutions for buyers and sellers and detect fraud.

Applicants respectfully disagree that it is obvious to have a mechanism whereby both fraud is detected and accounts are settled up. The ability to settle accounts up by an intermediary permits consumers to participate in transactions for a variety of financial institutions without having to have pre-signed agreements and have pre-established accounts. This is the not obvious and Applicants do not believe the references are capable of teaching this aspect of the invention. The Examiner has cited Findley for this purported teaching. Applicants continue to assert that Findley does not teach an automated payment facilitator that can credit and debit accounts. Applicants respectfully request a specific reference for purposes of appeal within Findley that the Examiner is relying on for the purported teachings that Findley is an automated intermediary that interacts with accounts at financial institutions to credit and debit accounts.

Applicants respectfully assert that the proposed combination of references still lacks any teaching of a payment facilitator as limited by Applicants' claims. That is, there is no payment facilitator that can both detect fraud and at the same time contact financial institutions and credit and debit accounts. Applicants do not believe that Findley provides this purported teaching.

Accordingly, Applicants respectfully request that the rejections of record be withdrawn and the claims of record be allowed.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JASON MAY ET AL.

By their Representatives,

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Date August 7, 2006

By _____
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Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7 day of August 2006.

Peter Rebuffoni
Name

Signature